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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,744	11/21/2003	Scott Edward Watson		3139

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Scott Edward Watson
4841 Winton Way
San Jose, CA 95124

EXAMINER

KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,744

Applicant(s)

WATSON, SCOTT EDWARD

Examiner

Devon C. Kramer

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

- 1) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 2) Claims 1, 3, 5-7, 9 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wheeler (2793028).

IN re claims 1 and 7, Wheeler provides a flexural pivot device (figure 7) comprising: a stationary member (30, 58) having first and second surfaces; a rotatable member (31, 54); a first flexible pivot member (55) affixed between the first surface of the stationary member and the rotatable member such that the first flexible pivot member is preloaded in a curved form with an approximate center of curvature above the first surface of the stationary member; a second flexible member (56) affixed between the second surface of the stationary member and the rotatable member such that the second flexible member is preloaded in a curved form with an approximate center of curvature above the second surface of the stationary member.

In re claims 3 and 9, see figure 7.

In re claims 5-6, 11-12, item 58 is attached to the stationary member and can be considered part of the stationary member. Item 58 is integral with the first flex member. The same argument can be made for element 54.

Claim Rejections - 35 USC § 103

- 3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 4) Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (2793028) in view of Brooks (4802784).

IN re claims 2 and 8, Wheeler teaches the flexible members made of steel, but lacks the teaching of making them from stainless steel.

Brooks teaches making flex members from stainless steel. (Col. 3 line 1)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have made the flex members of Wheeler from stainless steel as taught by Brooks merely to make the flex members durable and corrosion resistant.

- 5) Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (2793028) in view of Lewis (4637596).

In re claims 4 and 10, Wheeler teaches affixing the device by using bolts and lacks the teaching of welding.

Lewis teaches attaching spring flex members by welding. (Col. 3 lines 12-15)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have welded the flex members to the stationary member to provide a permanent attachment.

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6) Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (2793028) in view of He et al (2002/0024771).

IN re claims 13-14, Wheeler provides a flexural pivot device (figure 7) comprising: a stationary member (30, 58) having first and second surfaces; a rotatable member (31, 54); a first flexible pivot member (55) affixed between the first surface of the stationary member and the rotatable member such that the first flexible pivot member is preloaded in a curved form with an approximate center of curvature above the first surface of the stationary member; a second flexible member (56) affixed between the second surface of the stationary member and the rotatable member such that the second flexible member is preloaded in a curved form with an approximate center of curvature above the second surface of the stationary member.

Wheeler lacks a plurality of first and second pivot members.

He et al teaches a plurality of flex members. (Figures 4-5)

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the flexural pivot of Wheeler with a plurality of first and second pivot members merely to vary the amount of force the pivots can move and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V Bemis Co.* 193 USPQ 8.

Conclusion

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Federn, Howell et al, Bilanin et al, McKillip, and Paulson all teach flexural pivots.

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8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devon C Kramer
Examiner
Art Unit 3683

DK

DEVON C. KRAMER
PATENT EXAMINER

Devon Kramer
6/14/05